

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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CHARLES F. TUCKER,

*Plaintiff,*

v.

Warden LAWRENCE WHITTINGTON,  
*et al.*,

*Defendants.*

CIVIL ACTION NO.  
5:22-cv-00423-TES-CHW

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ORDER ADOPTING THE UNITED STATES  
MAGISTRATE JUDGE'S RECOMMENDATION

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Before the Court is the United States Magistrate Judge's Order and Recommendation ("O&R") [Doc. 33], recommending that the Court grant Defendant Warden Lawrence Whittington's Motion for Judgment on the Pleadings [Doc. 20] and dismiss Plaintiff Charles Tucker's claims for failure to exhaust administrative remedies.<sup>1</sup> Because Plaintiff did not file a timely objection, the Court reviews the O&R for clear error. *See 28 U.S.C. § 636(b)(1)(C) in connection with Fed. R. Civ. P. 6(a)(1) & (d).* Having reviewed the O&R [Doc. 33], the Court **ADOPTS** it and **MAKES IT THE ORDER OF**

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<sup>1</sup> As a result, because Plaintiff has no remaining claims and discovery is no longer warranted, the magistrate judge denied as futile the parties' respective motions for an extension of time to complete discovery. [Doc. 33, p. 9]; *see* [Doc. 21]; [Doc. 31].

**THE COURT.** Accordingly, the Court **GRANTS** Defendant's Motion for Judgment on the Pleadings [Doc. 20] and **DISMISSES** Plaintiff's claims **without prejudice**.

**SO ORDERED**, this 23rd day of July, 2024.

S/ Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**